

ENTERED

December 10, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EL DORADO OIL & GAS, INC.,

Plaintiff,

VS.

BALDEMAR FRANCISCO ALANIZ,

Defendant.

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CIVIL ACTION NO. 2:24-CV-00025

**ORDER CLARIFYING AND ADOPTING
MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

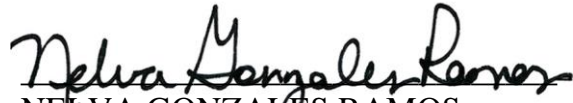
On November 14, 2024, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 75), recommending that this case be dismissed for failure to prosecute because Plaintiff, a corporation, is not represented by counsel. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 75), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge regarding Plaintiff's failure to prosecute its claims. However, the Court clarifies that this dismissal of Plaintiff's claims does not require dismissal of the entire case, as Defendant Baldemar Francisco Alaniz has filed a third-party claim against Thomas L. Swarek, which action remains pending. *See* D.E. 53, 73.

Accordingly, all claims filed by Plaintiff El Dorado Oil & Gas, Inc. are **DISMISSED WITHOUT PREJUDICE** and Plaintiff El Dorado Oil & Gas, Inc. is **TERMINATED** as a party to this case. The case may proceed on Third-Party Plaintiff Baldemar Francisco Alaniz's third-party complaint against Third-Party Defendant Thomas L. Swarek, which claims are **RETAINED**.

ORDERED on December 10, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE